



Maryland
Department of
the Environment

Larry Hogan
Governor

Boyd Rutherford
Lieutenant Governor

Ben Grumbles
Secretary

TD Draft 9/27/16

**GENERAL PERMIT FOR DISCHARGES FROM MARINAS
INCLUDING BOAT YARDS AND YACHT BASINS**

GENERAL DISCHARGE PERMIT NO. 16MA

NPDES PERMIT NO. MDG99

Effective Date: Month, Day, 2016

Expiration Date: Month, Day, 2021

PART I. PERMIT APPLICABILITY.....	4
A. Geographic Coverage	4
B. Facilities Covered	4
C. Eligible Discharges	4
D. Limitations of Coverage of the Permittee	5
E. Prohibited Stormwater Discharges	5
F. No Exposure Certification	5
G. Alternative Permit Coverage	6
H. Continuation of an Expired General Permit.....	6
PART II. AUTHORIZATION UNDER THIS PERMIT	6
A. How to Obtain Authorization	6
1. Notice of Intent (NOI) and Transfer Requests	7
2. Permit Fee.....	8
3. Stormwater Pollution Prevention Plan (SWPPP)	8
B. Deadline for Coverage.....	9
C. Required Signatures.....	9
D. Failure to Notify	10
E. Additional Notification	10
1. Municipal Separate Storm Sewer System (MS4)	10
2. Wastewater Permits Program	10
3. Compliance Program.....	10
F. Changes in Permit Coverage.....	11
1. Planned Changes	11
2. Termination of Permit Coverage	11
PART III. EFFLUENT LIMITATIONS AND OTHER CONTROL MEASURE REQUIREMENTS	11
A. Process Water Limitations	11
1. Boat Bottom Wash Water	11
2. Bilge Water	12
3. Dock Washing	13
B. Stormwater Control Measures and Alternative Effluent Limits.....	13
C. Stormwater Pollution Prevention Plan (SWPPP) Requirements.....	18
1. Stormwater Pollution Prevention Team.....	18
2. Site Description	19

3.	Summary of Potential Pollutant Sources.....	19
4.	Description of Control Measures.....	20
5.	Schedules and Procedures.....	20
6.	Signature Requirements.....	21
7.	Required SWPPP Modification.....	21
8.	Documentation Requirements.....	21
9.	Facilities Subject to SARA Title III, Section 313 Requirements.....	22
D.	Responsibility of Permittee with Regards to Facility Users.....	22
PART IV. CORRECTIVE ACTIONS.....		23
A.	Conditions Requiring Review and Revision to Eliminate Problems.....	23
B.	Conditions Requiring Review to Determine if Modifications Are Necessary.....	23
C.	Corrective Action Deadlines.....	23
D.	Corrective Action Report.....	23
E.	Effect of Corrective Action.....	24
F.	Substantially Identical Outfalls.....	24
PART V. INSPECTIONS, MONITORING AND REPORTING.....		24
A.	Site Inspections and Evaluations.....	24
1.	Routine Facility Inspection.....	24
2.	Comprehensive Site Compliance Evaluation.....	24
3.	Quarterly Visual Inspections.....	25
4.	Inactive and Unstaffed Sites Exceptions to Routine Facility Inspections.....	25
B.	Required Numeric Monitoring.....	26
1.	Applicability of Monitoring.....	26
2.	Monitoring Schedule.....	26
3.	Submitting Discharge Monitoring Reports (DMRs).....	26
4.	Substantially Identical Outfalls.....	27
5.	Flow Monitoring.....	27
C.	Monitoring Procedures.....	27
1.	Monitored Outfalls.....	27
2.	Commingled Discharges.....	27
3.	Measurable Storm Events.....	28
4.	Sample Type.....	28
5.	Adverse Weather Conditions.....	28
6.	Representative Sampling.....	28
7.	Monitoring Periods.....	28
8.	Data Recording Requirements.....	29
D.	Records Retention.....	29
PART VI. STANDARD PERMIT CONDITIONS.....		29
A.	Facility Operation and Maintenance.....	29
B.	Submitting Additional or Corrected Information.....	29
C.	Removed Substances.....	29
D.	Right of Entry.....	29
E.	Availability of Reports.....	30
F.	Permit Modification.....	30
G.	Total Maximum Daily Load (TMDL).....	30
H.	Toxic Pollutants.....	30
I.	Oil and Hazardous Substances Prohibited.....	30
J.	Civil and Criminal Liability.....	30
K.	Property Rights/Compliance with Other Requirements.....	30
L.	Severability.....	30
M.	Water Construction and Obstruction.....	30
N.	Compliance with this General Permit and Water Pollution Abatement Statutes.....	30

O.	Action on Violations	31
P.	Civil Penalties for Violations of Permit Conditions.....	31
Q.	Criminal Penalties for Violations of Permit Conditions	31
R.	Duty to Provide Information	31
S.	Reopener Clause for Permits.....	32
T.	Conditions Necessary for Demonstration of an Upset.....	32
U.	Bypass	32
V.	Adverse Impact	32
PART VII. AUTHORITY TO ISSUE GENERAL NPDES PERMIT.....		33

Appendix A – Definitions, Abbreviation, and Acronyms

Appendix B – Quarterly Visual Monitoring Form

DRAFT

PART I. PERMIT APPLICABILITY

By this permit, the Maryland Department of the Environment (the Department) authorizes the discharge of stormwater and certain wastewater from marinas, boat yards, and yacht basins to waters of the State. This authorization is only for operators of facilities located in the State of Maryland, who have submitted a notice of intent (NOI) and received written approval from the Department to discharge in accordance with the eligibility requirements and other conditions in this permit and consistent with your NOI, as on file with the Department. This authorization is pursuant to the provisions of Title 9 of the Environment Article, Annotated Code of Maryland, and the provisions of the Federal Clean Water Act (CWA), 33 U.S.C. §1251 et seq. and implementing regulations in COMAR 26.08.04.09 and 40 CFR Parts 122, 123, 124, and 125. ‘You’ and ‘your’ are used in this permit to refer to the permittee or the permit applicant, as the context indicates, and that party’s facility or responsibility.

A. Geographic Coverage

This permit applies to facilities operating within the State of Maryland.

B. Facilities Covered

This permit provides coverage to establishments identified by primary Standard Industrial Classification (SIC) code 4493, which typically rent boat slips, store boats, and generally perform a range of other boating services including cleaning and incidental repair. Facilities with this classification include:

- Marinas
- Boat yards that provide storage and incidental repair
- Boat clubs with marinas
- Sailing clubs with marinas
- Yacht clubs with marinas

Any facility fitting the above category which provides or allows boat maintenance (including boat rehabilitation, mechanical repairs, painting, fueling, and lubrication), or equipment cleaning operations (i.e. pressure washing of boat bottoms) requires a discharge permit for stormwater and associated wastewater. The retail sale of fuel alone at marinas, without any other boat maintenance or equipment cleaning operations, is not grounds for coverage under the Federal/State stormwater permit regulations.

This permit is site-specific and it is up to property owner’s discretion whether they or the persons (i.e. contractors) performing the boat maintenance apply for coverage under the permit.

C. Eligible Discharges

The permit covers the following discharges:

1. Non-stormwater discharges:

- Wastewater from washing of boats and engines (Part III.A.1.a.).
 - Bilge water collected from vessel to containment and treated prior to discharge, except where emulsifiers or detergents/soaps are added to bilge (Part III.A.2.a).
 - Uncontaminated non-contact cooling water or condensate from machinery including, but not limited to ice machines, coolers, and refrigeration units. Any discharge which contains additives may only be authorized by a separate individual NPDES permit.
 - Water from non-pressurized rinsing of boats without using soaps, cleaning agents, or additives.
 - Water used to fight active fires (not from fire system cleaning or testing).
 - Pavement and docks (Part III.A.3.a) wash waters where no detergents are used and no spills or leaks of toxic or hazardous materials have occurred (unless all spilled material has been removed).
 - Landscape watering, only if all pesticides, herbicides, and fertilizer have been applied in accordance with the approved labeling.
-

- Routine external building wash down that does not use detergents and any dislodged paint chips are filtered.
 - Irrigation drainage.
 - Uncontaminated ground water or spring water.
 - Foundation or footing drains where flows are not contaminated with process materials.
 - Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of your facility, but not intentional discharges from the cooling tower (e.g., “piped” cooling tower blowdown or drains).
2. Industrial stormwater discharges associated with marina maintenance activities to surface water or groundwater for applicable facilities.

D. Limitations of Coverage of the Permittee

The following activities or discharges are not eligible for coverage under this permit:

- Stormwater discharges whose National Pollutant Discharge Elimination System (NPDES) permit has been terminated (other than at the request of the permittee) or denied, or those for which the Department requires an individual permit.
- Sanitary wastewater discharges, including commingled sanitary wastewater discharges.
- Wastewater discharges from chemical stripping operations and any stormwater which commingles with such wastewaters.
- In-water washing of boat bottoms painted with soft ablative paints, or paints which create visible plume.
- Removal of any paints while vessel is in water.
- Discharges that contain visible oil sheen, persistent foam, or floating solids.
- Any wash water containing soaps or any detergents, regardless of whether they are labeled ‘biodegradable’ or ‘green’.

E. Prohibited Stormwater Discharges

If you are covered under this permit, a stormwater discharge to waters of the State that contributes to a violation of a water quality standard is a permit violation and subject to corrective actions (see Part IV.)

F. No Exposure Certification

If you are eligible for coverage by this permit, but do not discharge process water (as per Section III.A.) and meet the requirements for a no-exposure exclusion from permitting under 40 CFR 122.26(g), you may file a No Exposure Certification. Upon written notice from the Department that you have met the requirements, you are no longer required to have a permit.

- To qualify for this certification, you must first verify that there is no process water discharge, and no potential for the stormwater discharged from your facility to waters of the State to be exposed to pollutants in accordance with the criteria established by the Department on form ‘No Exposure Certification’ found on MDE’s website at <http://bit.ly/MDE-16-MA>.
- You shall also obtain written certification by either a Professional Engineer, a Certified Professional in Storm Water Quality (CPSWQ), a Registered Architect, or a Landscape Architect that you meet the requirements of no exposure.
- In lieu of the written certification described above, you may submit verification from the Department of Natural Resources that your facility meets ‘No Exposure Certification’ requirement under the Clean Marina Program. The ‘Clean Marina’ status must be continuously maintained for the entire term of the No Exposure Certification. If your ‘Clean Marina’ status is revoked during this term, you must notify the Department immediately, at which time you will be required to have alternate certification or permit coverage.
- If you qualify, you may apply for certification by submitting the completed and appropriately signed form to the Department, along with the required written certification according to the deadlines of this permit (Part II.B).

- The exemption is non-transferable and is only valid while this permit is in effect at which point a new exemption is required. However, you must submit a No Exposure Certification to the Department at least once every five years.
- You must notify the Municipal Separate Storm Sewer System (MS4) if your facility is exempted from obtaining an NPDES permit for stormwater associated with industrial activity.

G. Alternative Permit Coverage

The Department may require you to obtain, or you may also request, an individual permit or coverage under another general permit as described below, even though you may be eligible for coverage under this permit. If the Department requires you to apply for and obtain an alternative permit and you do not apply as required, the Department may terminate your coverage under this permit. This termination is effective at the end of the day that the Department specified for the application or Notice of Intent (NOI) to be submitted, after which you must cease discharges that were covered by this permit.

- A. If the Department determines that the discharge may cause water quality standards to be exceeded in the receiving water, then the Department may require you to take additional actions. You may be required to obtain an individual NPDES discharge permit or coverage under another general permit. The Department may process an NOI as an application for an individual permit if site specific conditions do not allow the facility to be covered under the general permit without compromising water quality. This could occur if, for example, a permittee proposes to discharge to impaired waters, with or without an existing Total Daily Maximum Load (TMDL), or for discharges to high quality waters.
- B. You may request to be excluded from coverage under this permit by applying for an individual State NPDES discharge permit or submitting an NOI for coverage under another general permit. The Department may grant your request if it is determined your reasons are adequate. If you are issued an individual NPDES permit, the Department may terminate your coverage under this permit.
- C. If the Department issues an industry specific general permit addressing stormwater or wastewater discharges from your industrial activity, you may need to apply for coverage under that permit.
- D. Some additional permits which are commonly applicable to marinas may include:
 - a) General Discharge Permit for Swimming Pools and Spas (General Permit No. 12 SI or replacement) authorizing of overflow, drainage, filter backwash, and cleaning water from any public or private pool or spa, including baptismal fonts to ground or surface waters.
 - b) Oil Operations Permit for Underground storage tank or above ground tank (for fuel, lubricants or used oil).
 - c) Pump-out Discharges for Marinas with 50 or more slips berthing any boats over 22 feet, and new or expanding marinas with more than 10 slips that must have pumpouts (contact DNR or the local Health Department to find out how to apply for pumpouts installation authorizations).
 - d) All dredging, filling, or construction activities require a tidal wetlands license and the permittee must contact the Department's Tidal Wetlands program prior to performing any of these activities.

H. Continuation of an Expired General Permit

Unless your permit or authorization is revoked or terminated by the Department, the terms and conditions of this permit and its authorized dischargers are automatically continued and remain fully effective and enforceable upon expiration of this permit until the date(s) specified under a reissued general permit.

PART II. AUTHORIZATION UNDER THIS PERMIT

A. How to Obtain Authorization

If you are eligible for coverage under this permit, per Part I, to obtain authorization you must:

- Select, design, install, and implement control measures in accordance with Part III to meet numeric and non-numeric effluent limits;

- Submit a complete and accurate Notice of Intent (NOI) or Permit Transfer Request with Permit Fee as indicated below; and
- Develop and submit to the Department a Stormwater Pollution Prevention Plan (SWPPP) according to the requirements in Part III.C of this permit.

Based on a review of your NOI or Transfer Request, the Department may delay your authorization for further review, notify you that additional effluent limitations are necessary, or deny coverage under this permit and require submission of an application for an individual NPDES permit. In these instances, the Department will notify you in writing of the delay, the need for additional effluent limits, or of the request for submission of an individual NPDES permit application or alternative general permit NOI.

1. Notice of Intent (NOI) and Transfer Requests

a) Notice of Intent (NOI)

You must complete all information required on this permit's corresponding NOI form, found on MDE's website at <http://bit.ly/MDE-16-MA>, or an equivalent electronic form provided by the Department. Detailed instructions are included on the NOI form. If you operate multiple facilities, you must submit an NOI for each noncontiguous site. The completed and signed copy of the NOI should be sent to the following address:

Maryland Department of the Environment
P. O. Box 2057
Baltimore, MD 21203-2057

You are required to provide the following information on the appropriate form:

- Facility Operator information including your name, mailing address, email address, telephone number, IRS Employer Identification Number (EIN) and Worker's Compensation Insurance company and policy.
- Facility information, including the facility location (physical address and coordinates in degrees decimal) and verification if this is a new discharger or any preexisting NPDES permit number for stormwater coverage.
- Methods of boat access to water (i.e. ramp or lift).
- Receiving water body(ies) 8-digit watershed identifier for your discharge.
- Facility map which illustrates where maintenance activities are performed and wastewater is generated (include references such as buildings, roads and receiving water).
- Identification of specific maintenance activities performed in exposed (non-enclosed) areas.
- Discharge type and flow (expressed in gallons per day) for each outfall (discharge point) and describe each outfall and monitoring point.
- Name of the person preparing the Stormwater Pollution Prevention Plan (SWPPP), including email and phone number, along with how you have provided the SWPPP to the Department.
- Declaration that you are not using soaps, detergents, or chemical additives that may pollute the waste stream from the facility.
- Number of slips and corresponding permit fee.
- Signatory name, title and contact information and space for the actual signature. Provide the NOI preparer information, including phone number and email address.

b) Transfer of Authorization

For transfer of ownership, you can complete the Permit Transfer Request Form for General NPDES Permits found on MDE's website at <http://bit.ly/MDE-16-MA>. Detailed instructions are included with the form. If you operate multiple facilities, you must submit a Transfer Request form for each noncontiguous site. The authorization under this permit is not transferable to any person, except in accordance with this section. Authorization to discharge under this permit may be transferred to another person if:

- Written agreement, indicating the specific date of the proposed transfer of permit coverage and acknowledging the responsibilities of the current and new permittee for compliance with the terms and conditions of this permit, is submitted to the Department;
- Current permittee notifies the Department in writing of the proposed transfer;
- The new permittee either confirms in writing that the type of discharge, number of outfalls, and other information given on the original NOI remain correct or updates this information;
- The new permittee confirms in writing that either they will follow the existing stormwater pollution prevention plan or that they have developed a new plan in which case they must submit it to the Department;
- Neither the current permittee nor the new permittee receives notification from the Department, within 30 days of receipt of items above, of the intent to terminate coverage under this permit.

2. Permit Fee

- a) You must submit the permit fee to the Department with the completed NOI for the fee amount in effect at the time that the payment is due as specified in COMAR 26.08.04.09-1(I). Facilities owned and/or operated by local and state governments are not required to pay fee.
- b) Make the fee payable to the Maryland Department of the Environment and send it together with the completed NOI to:

Maryland Department of the Environment
P.O. Box 2057
Baltimore, MD 21203-2057

- c) If you pay the fee by a check that does not clear for any reason, you will have 30 calendar days to make proper payment, including any interest and other charges. If payment is not received by the 31st calendar day, your coverage under this permit must be considered void from the outset. You should save the cancelled check, a copy of the completed NOI, and the letter confirming your authorization from the Department. These documents must be provided to the Department upon request.
- d) A new owner of a facility as a result of a transfer of ownership is responsible for any fees unpaid by the former owner.
- e) Any permittee making changes in number of slips that may alter fees is required to give notice as described in Part II.F.

3. Stormwater Pollution Prevention Plan (SWPPP)

Instructions for the proper formatting and submission of your SWPPP are provided below:

- You should not include any confidential information in your submitted SWPPP, which will be a public document available for review by the public.
 - You must submit an electronic copy of the SWPPP to the Department and have a hard copy available onsite. Your electronic copy (PDF, JPEG, or Word) of the SWPPP must be provided to the Department by one of these methods:
 - Including a file on electronic media (CD, DVD, USB drive, or other approved media) along with your mailed copy of the NOI.
 - Emailing the file to swppp.permit@maryland.gov at same time you are sending your NOI to the Department. The email cannot exceed 25 MB, so you may need to use more than one email to deliver the entire file. The email subject line should include "16MA", your previous registration number (if you did have previous coverage under 10MA), and your facility name.
 - Posting a copy of the SWPPP using your NetDMR account at the same time you are sending your NOI to the Department.
 - Providing the Department a link (URL) to your document on your NOI, which provides access to your SWPPP on a publicly available company website.
 - Other electronic means that you make accessible to the Department, such as a link to DropBox, Google Drive, SkyDrive, etc.
-

B. Deadline for Coverage

If activities at your site require coverage, you will be in violation of state and federal requirements to obtain a permit and subject to enforcement action by the Department if you fail to submit a i) NOI, SWPPP, and fee payment, or ii) No Exposure Certification, or iii) transfer request in a timely manner as provided in the following table. Late NOIs will be accepted, but authorization to discharge will not be retroactive.

Category	Coverage Submittal Deadline
Existing Dischargers – in operation as of the effective date of this permit and previously authorized for coverage under 10-MA.	Within 90 days after the effective date of this permit. Authorization to discharge under 10-MA continues in the interim.
New Dischargers or New Sources.	A minimum of 60 days prior to commencing discharge.
New Owner/Operator of Existing Discharger - transfer of ownership and/or operation of a facility whose discharge is authorized under this permit.	A minimum of 30 days prior to date that the transfer will take place to the new owner/operator.
Other Eligible Dischargers – in operation prior to permit effective date, but not covered under the 10-MA or another NPDES permit.	Immediately, to minimize the time discharges from the facility will continue to be unauthorized.

C. Required Signatures

1. Certification

Any person signing documents in accordance with Parts II.C.2 and II.C.3 below must include the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

2. All applications, including NOIs, transfer requests, and No Exposure Certifications must be signed by a Signatory as follows:
 - a) *For a corporation:* By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
 - i.) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation; or
 - ii.) the manager of one or more properties belonging to the owner, provided the manager is authorized to make management decisions which govern the operation of the regulated facility having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - b) *For a partnership or sole proprietorship:* By a general partner or the proprietor, respectively; or
 - c) *For a municipality, State, Federal, or other public agency:* By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:
 - i.) the chief executive officer of the agency; or
 - ii.) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of the EPA).

3. Your SWPPP, including changes to your SWPPP to document any corrective actions taken as required by Part IV, and all reports submitted to the Department, must be signed by a person described in Part II.C.2 above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a) the authorization is made in writing by a Signatory;
 - b) the authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of facility manager, operator, superintendent, or a position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company (a duly authorized representative may thus be either a named individual or any individual occupying a named position.); and
 - c) the signed and dated written authorization is included in the SWPPP and made available to the Department upon request.
4. If an authorization for a representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part II.C.2 must be submitted to the Department prior to submitting or with any reports, information or applications that must be signed by a duly authorized representative.

D. Failure to Notify

If you (1) engage in an activity covered under this permit, (2) fail to notify the Department of your intent (Part II.A) to be covered under this permit within the deadlines established in this permit (Part II.B), and (3) discharge to waters of the State without an individual NPDES discharge permit, then you are in violation of the Federal Clean Water Act and of the Environment Article, Annotated Code of Maryland, and may be subject to penalties.

E. Additional Notification

1. Municipal Separate Storm Sewer System (MS4)

If stormwater from your facility discharges into a Municipal Separate Storm Sewer System (MS4), you must notify the MS4 that you are registered under this permit if the system is regulated by a NPDES permit. If the MS4 notifies you of additional requirements that you must meet to discharge into that system, then you must comply with those requirements to stay eligible for this permit.

2. Wastewater Permits Program

When directed to contact the Department's Wastewater Permits Program, use the following address and phone number:

Maryland Department of the Environment
Wastewater Permits Program
1800 Washington Blvd, Suite 455
Baltimore, MD 21230
Phone: 410-537-3323

3. Compliance Program

When directed to contact the Department's Compliance Program, use the following address and phone number:

Maryland Department of the Environment
Compliance Program
1800 Washington Blvd., Suite 425
Baltimore, MD 21230
Phone: 410-537-3510

F. Changes in Permit Coverage

Certain planned changes in storm and/or process water discharges or termination of permit coverage, described below in this section, require notification to the Department's Wastewater Permits Program (Part II.E.2):

1. Planned Changes

You must give written notice to the Department (Part II.E.2) as soon as possible of any planned physical alterations or additions to the permitted facility, whereas:

- a) the alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or
- b) the alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR 122.42(a)(1); or
- c) the alteration either adds or removes outfalls subject to this permit; or
- d) the alteration either adds or removes process water which requires changes in monitoring or reporting.

2. Termination of Permit Coverage

a) Submit a Notice of Termination

To terminate permit coverage, you must submit a complete and accurate Notice of Termination (NOT), found on MDE's website at <http://bit.ly/MDE-16-MA>, to the Department's Wastewater Permits Program (Part II.E.2). Your authorization to discharge under this permit terminates at midnight of the day that a complete Notice of Termination is processed and acknowledged by the Department. If you submit a Notice of Termination without meeting one or more of the conditions identified in Part II.F.2.b. below, then your Notice of Termination is not valid. You are responsible for meeting the terms of this permit until your authorization is terminated.

b) When to Submit a Notice of Termination

You must submit a Notice of Termination within 30 days after one or more of the following conditions have been met:

- i.) All operations at your facility have permanently ceased and there will be no further exposure of stormwater to any industrial activity, process, material, or transport at the facility; or
 - ii.) You move your operation to a new location (After submitting an NOT you must then apply for coverage at the new location per Part II.); or
 - iii.) A new owner or operator has taken over responsibility for the facility; or
 - iv.) You have obtained coverage under an individual or alternative general permit for all discharges required to be covered by an NPDES permit.
- c) The Department may terminate your coverage under this general permit upon any finding of good cause.

PART III. EFFLUENT LIMITATIONS AND OTHER CONTROL MEASURE REQUIREMENTS

A. Process Water Limitations

The following limits (numeric and narrative) apply to process waters which are eligible under this permit (boat bottom wash water, bilge water and dock washing wash water)

1. Boat Bottom Wash Water

The following limits apply to boat bottom wash water discharged to surface or ground waters.

a) Numeric Limitations

All wastewater generated from boat bottom washing activities shall be captured and directed to one or more locations for treatment. The quality of wastewater is subject to the limitations and monitoring frequency as described in the table below and shall be reported as per Part VI of this

permit. The permittee shall identify monitoring points and outfall locations on the first discharge monitoring report submitted to the Department.

PARAMETER	QUALITY OR CONCENTRATION		FREQUENCY	SAMPLE TYPE
	MAXIMUM	UNITS		
Total Suspended Solids (TSS) ⁽¹⁾	50	mg/L	4/year	Grab
Oil & Grease ⁽¹⁾	15	mg/L	4/year	Grab
Copper ⁽²⁾	0.06	mg/L	2/season	Grab
Zinc ⁽²⁾	0.81	mg/L	2/season	Grab
Lead ⁽²⁾	0.08	mg/L	2/season	Grab
Flow ⁽³⁾	Report	gpd	Monthly	Estimated

⁽¹⁾ Suspended solids and oil & grease shall be sampled twice during the main washing season (September – December), and twice during the spring/summer season for a total of four times a year.

⁽²⁾ Metals shall be sampled twice during the main washing season (September – December).

⁽³⁾ Flow shall be estimated and recorded on a monthly basis.

b) Narrative Criteria

- Washing of boat bottoms painted with antifoulants must be performed in a dedicated area. This dedicated area must be on land as in-water or overwater cleaning of boat bottoms is not covered under this permit.
- All solids removed from the wastewater shall be disposed of properly by a licensed operator.
- Discharges may not contain any Aquatic Nuisance Species (ANS) . Any collected ANS should be reported and handled per Maryland's Department of Natural Resources Invasive Species Resource Center requirements (<http://dnr2.maryland.gov/invasives/Pages/default.aspx>).
- If a facility is connected to a closed loop system or sanitary sewer, the permittee shall maintain at the facility the photos of the system which illustrate how it works and what it is connected to (if applicable); an as-built schematic or design drawing; and if wastewater is held in tanks for offsite disposal a copy of the agreement with the licensed hauler or local utility (for offsite disposal or discharge to sanitary sewer). These materials shall be updated as necessary and available onsite for the life of the permit.
- If the facility allows divers, the slip owners must use diver contractors which abide by the best management practices of the Maryland Department of the Natural Resources - Clean Marina Initiative. The divers must certify in writing they perform maintenance of boats under these best management practices. No in-water removal of paints is allowed. (Resources for Professional Divers: <http://dnr2.maryland.gov/boating/Documents/MDcleandiverpledge.pdf>).

2. Bilge Water

a) Numeric Limitations

This permit does not require the collection of bilge water. However, if bilge water is collected from a vessel in order to prevent the discharge from entering into waters of the State, it must be treated prior to discharge into ground or surface waters of the State. The quality of wastewater is subject to the limitations and monitoring frequency as described in the table below and shall be reported as per Part VI of this permit. The permittee shall identify monitoring points and outfall locations on the first discharge monitoring report submitted to the Department.

PARAMETER	QUALITY OR CONCENTRATION			FREQUENCY OF ANALYSIS	SAMPLE TYPE
	MONTHLY AVERAGE	DAILY MAXIMUM	UNITS		
Oil & Grease	10	15	mg/L	1/Month	Grab
Flow		Report	gpd	1/Month	Estimated

b) Narrative Criteria

- Bilge water discharges shall not cause any visible sheen in waters of the State.
- Bilge waters containing solvents, detergents, emulsifying agents, soaps, or dispersants shall not be discharged to waters of the State.
- Wastewater from minor cleaning of engines or oily parts may be discharged (in accordance with this Part).
- Discharges may not contain any Aquatic Nuisance Species (ANS). Any collected ANS must be reported and handled per Maryland's Department of Natural Resources Invasive Species Resource Center requirements (<http://dnr2.maryland.gov/invasives/Pages/default.aspx>).

3. Dock Washing

The following Narrative Limits apply to washing of dock surfaces where no soaps, cleaning agents, or additives are used and the water is directly discharged to surface waters.

- Per COMAR 26.08.03.06, the discharge shall not contain chlorine or chlorine-containing compounds except in non-detectable levels. Dechlorination may be accomplished by: i.) Available dechlorination methods readily available for in-line use with a hose, ii.) Chemical addition; iii.) Absorption onto activated carbon; iv.) Control of discharge rates or holding of the effluent so that chlorine residuals are reduced to the non-detectable level; or v.) Any other method approved in advance by the Department.
- Reasonable care should be taken before washing (i.e. solids swept up or otherwise removed, or grime spot cleaned with towels or rags, etc.) to minimize pollution discharged. Discharges shall not contain visible oil sheen, floating solids or persistent foam.

B. Stormwater Control Measures and Alternative Effluent Limits

In the technology-based limits included in Part III.B.1, the term "minimize" means reduce and/or eliminate to the extent achievable using control measures (including best management practices) that are technologically available and economically practicable and achievable in light of best industry practice.

1. Control Measures

Considering the control measure selection and design considerations, you must select, design, install, and implement control measures (including best management practices) to meet the non-numeric effluent limits, as described below. The selection, design, installation, and implementation of these control measures must be in accordance with good engineering practices and manufacturer's specifications. Note that you may deviate from such manufacturer's specifications where you provide justification for such deviation and include documentation of your rationale in the part of your SWPPP that describes your control measures. If you find that your control measures are not achieving their intended effect of minimizing pollutant discharges, you must modify these control measures as expeditiously as practicable. Regulated stormwater discharges from your facility include stormwater run-on that commingles with stormwater discharges associated with industrial activity at your facility.

a) Control Measure Selection and Design Considerations

You must consider the following when selecting and designing control measures:

- i.) Preventing stormwater from coming into contact with polluting materials is generally more effective, and less costly, than trying to remove pollutants from stormwater;
- ii.) Using control measures in combination is more effective than using control measures in

- isolation for minimizing pollutants in your stormwater discharge;
- iii.)** Assessing the type and quantity of pollutants, including their potential to impact receiving water quality, is critical to designing effective control measures that will achieve the limits in this permit;
 - iv.)** Minimizing impervious areas at your facility and infiltrating runoff onsite (including bioretention cells, green roofs, and pervious pavement, among other approaches) can reduce runoff and improve groundwater recharge and stream base flows in local streams, although care must be taken to avoid ground water contamination;
 - v.)** Attenuating flow using open vegetated swales and natural depressions can reduce in-stream impacts of erosive flows;
 - vi.)** Conserving and/or restoring riparian buffers will help protect streams from stormwater runoff and improve water quality; and
 - vii.)** Using treatment interceptors (e.g., swirl separators and sand filters) may be appropriate in some instances to minimize the discharge of pollutants.
- b) Non-Numeric Technology-Based Effluent Limits (BPT/BAT/BCT)**
- i.) Minimize Exposure.** You must minimize the exposure of manufacturing, processing, and material storage areas (including loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations) to rain, snow, snowmelt, and runoff by either locating these industrial materials and activities inside or protecting them with storm resistant coverings (although significant enlargement of impervious surface area is not recommended). You must store solid chemical products, chemical solutions, paints, oils, solvents, acids, caustic solutions and waste materials under cover on an impervious surface. In minimizing exposure, you should pay particular attention to the following:
 - Use grading, berming, or curbing to prevent runoff of contaminated flows and divert run-on away from these areas;
 - Locate materials, equipment, and activities so that leaks are contained in existing containment and diversion systems (confine the storage of leaky or leak-prone vehicles and equipment awaiting maintenance to protected areas);
 - Clean up spills and leaks promptly using dry methods (e.g., absorbents) to prevent the discharge of pollutants;
 - Use drip pans and absorbents under or around leaky vehicles and equipment or store indoors where feasible;
 - Use spill/overflow protection equipment;
 - Drain fluids from equipment and vehicles prior to onsite storage or disposal;
 - Perform all cleaning operations indoors, under cover, or in bermed areas that prevent runoff and run-on and also that capture any overspray; and
 - Ensure that all washwater drains to a proper collection system (i.e., not the stormwater drainage system).

Note: The discharge of vehicle (other than boats) and equipment washwater, including tank cleaning operations, is not authorized by this permit. These wastewaters must be covered under a separate NPDES permit, discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements, or disposed of otherwise in accordance with applicable law.

Note: Industrial materials do not need to be enclosed or covered if stormwater runoff from affected areas will not be discharged to receiving waters or if discharges are authorized under another NPDES permit.

- ii.) Good Housekeeping.** You must keep clean all exposed areas that are potential sources of pollutants, using such measures as sweeping at regular intervals, keeping materials orderly and labeled, and storing materials in appropriate containers. A good practice for ensuring housekeeping activities are performed at regular intervals would be keeping a schedule for routine grounds maintenance and cleanup.
 - iii.) Maintenance.** You must regularly inspect, test, maintain, and repair all industrial equipment and systems to avoid situations that may result in leaks, spills, and other releases of pollutants in stormwater discharged to receiving waters. You must also maintain all control measures
-

that are used to achieve the effluent limits required by this permit in effective operating condition. Particular care should be taken to inspect compaction dumpsters to prevent debris around or under the dumpster as well as prevent hydraulic fluid leakage. Nonstructural control measures must also be diligently maintained (e.g., spill response supplies available, personnel appropriately trained). If you find that your control measures need to be replaced or repaired, you must make the necessary repairs or modifications as expeditiously as practicable.

- iv.) Spill Prevention and Response Procedures.* You must minimize the potential for leaks, spills, and other releases that may be exposed to stormwater, and develop plans for effective response to such spills if or when they occur. These procedures are complementary to and do not replace any requirements of RCRA (42 U.S.C. §6901), the Department's Land Management Administration Oil Control Program, NFPA 30 Flammable and Combustible Liquids Code or the Spill Prevention, Control and Countermeasure (SPCC) Plan (as a requirement of 40 CFR § 112), At a minimum, you must implement:
- Procedures for plainly labeling containers (e.g., "Used Oil," "Spent Solvents," "Fertilizers and Pesticides," etc.) that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response if spills or leaks occur;
 - Quarterly inspection procedures for containers that are susceptible to spillage or leakage (e.g., used oil) to ensure the containment structures have no leaks/cracks, and that the outlets are properly sealed. Check that plugs are properly affixed, that valves are in working condition, and that neither are leaking;
 - Procedure for the discharge of any stormwater from a containment structure, requiring that a sample is taken to ensure that no visible or odorous pollutants are discharged. If a sample contains a visible sheen, floating solids, or a noxious smell, then you must discharge the remaining wastewater to a sanitary sewer system or haul it to a recycler or TSD (Treatment Storage & Disposal Facilities) or disposal facility;
 - Preventative measures such as barriers between material storage and traffic areas, secondary containment provisions, and procedures for material storage and handling;
 - Procedures for expeditiously stopping, containing, and cleaning up leaks, spills, and other releases. Employees who may cause, detect, or respond to a spill or leak must be trained in these procedures and have necessary spill response equipment available. If possible, one of these individuals should be a member of your stormwater pollution prevention team as described in Part III.C.1; and
 - Procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies. Where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302, occurs during a 24-hour period, you must notify the Department's Emergency Spill Response number at (866) 633-4686 and EPA's National Response Center (NRC) at (800) 424-8802 or, in the Washington, DC, metropolitan area, call (202) 267-2675 in accordance with the requirements of 40 CFR Part 110, 40 CFR Part 117, and 40 CFR Part 302 as soon as you have knowledge of the discharge. Local requirements may necessitate reporting spills or discharges to local emergency response, public health, or drinking water supply agencies. Contact information must be in locations that are readily accessible and available.
- v.) Erosion and Sediment Controls.* You must stabilize exposed areas and contain runoff using structural and/or non-structural control measures to minimize onsite erosion and sedimentation, and the resulting discharge of pollutants. Among other actions you must take to meet this limit, you must place flow velocity dissipation devices (e.g. rocks, grouted riprap, or concrete rubble) at discharge locations and within outfall channels where necessary to reduce erosion and/or settle out pollutants. In selecting, designing, installing, and implementing appropriate control measures, you are encouraged to consult with the Department's Soil Erosion & Sediment Control resources (found at http://bit.ly/MDE_Sediment_Erosion_and_Control), EPA's internet-based resources relating to BMPs for erosion and sedimentation, (www.epa.gov/npdes/stormwater/msqp), National Menu of Stormwater BMPs (www.epa.gov/npdes/stormwater/menuofbmps), and National

Management Measures to Control Nonpoint Source Pollution from Urban Areas (www.epa.gov/owow/nps/urbanmm/index.html).

- vi.) *Management of Runoff.* You must divert, infiltrate, reuse, contain, or otherwise reduce stormwater runoff, to minimize pollutants in your discharges. In selecting, designing, installing, and implementing appropriate control measures, you are encouraged to consult with the Department's Design Manual, EPA's internet-based resources relating to runoff management, including the sector-specific Industrial Stormwater Fact Sheet Series, (www.epa.gov/npdes/stormwater/msgp), National Menu of Stormwater BMPs (www.epa.gov/npdes/stormwater/menuofbmps), and National Management Measures to Control Nonpoint Source Pollution from Urban Areas (www.epa.gov/owow/nps/urbanmm/index.html).
- vii.) *Salt Storage Piles or Piles Containing Salt.* You must enclose or cover storage piles of salt, or piles containing salt, used for deicing or other commercial or industrial purposes, including maintenance of paved surfaces. You must implement appropriate measures (e.g., good housekeeping, diversions, containment) to minimize exposure resulting from adding to or removing materials from the pile. Piles do not need to be enclosed or covered if stormwater runoff from the piles is not discharged or if discharges from the piles are authorized under another NPDES or State discharge permit.
- viii.) *Employee Training.* You must train all employees who work in areas where industrial materials or activities are exposed to stormwater, or who are responsible for implementing activities necessary to meet the conditions of this permit (e.g., inspectors, maintenance personnel), including all members of your stormwater pollution prevention team described in Part III.C.1, below. Training must cover the specific control measures used to achieve the effluent limits in this part, and monitoring, inspection, planning, reporting, and documentation requirements in other parts of this permit. As part of the employee training program you must address, at a minimum, the following activities (as applicable): used oil management, spent solvent and paint management, disposal of spent abrasives (e.g., blasting materials, etc.), spill prevention and control, fueling procedures, general good housekeeping practices (e.g., dumpster/debris removal), used battery management, waste recycling (e.g., metals, plastics), used container controls (e.g., re-banding barrels, plugging drums), etc. The Department recommends training be conducted at least annually (or more often if employee turnover is high).
- ix.) *Non-Stormwater Discharges.* You must eliminate non-stormwater discharges not authorized by a NPDES or State discharge permit. See Part I.C.1. for a list of non-stormwater discharges authorized by this permit.
- x.) *Waste, Garbage and Floatable Debris.* You must ensure that waste, garbage, and floatable debris are not discharged to receiving waters by keeping exposed areas free of such materials or by intercepting them before they are discharged. The Department recommends practices including placing garbage or recycling containers at traffic areas, and identifying a schedule for personnel to walk site for trash and litter daily/weekly/monthly, etc.
- xi.) *Dust Generation and Vehicle Tracking of Industrial Materials.* You must minimize generation of dust and offsite tracking of raw, final, or waste materials.
- xii.) *Maintenance Activities.* Maintenance activities must be performed in a manner which controls the exposure and possible contamination of storm water. If storm water becomes contaminated due to comingling with maintenance activities and has the potential for discharging pollutants to waters of the State, it is the responsibility of the permittee to identify the appropriate measures to treat the contaminated water. Do not blow off or rinse off area as this can lead to contamination. Activity work areas must be secured each evening as to protect any exposure of pollutants to storm water. The facility must contain maintenance activities to prevent abrasives, paint chips and any overspray from reaching the receiving water or the storm sewer system.
 - Surface Preparation
 1. Chemical Stripping or burning shall be conducted over a suitable ground cover (i.e., rubber mat) or sealed impervious surface (i.e., epoxy lined concrete or asphalt).
 2. Scraping of vessels in preparation for painting or other repair work shall be conducted over a suitable ground cover (i.e., filter cloth, tarp).

3. Soda / Sand Blasting, Sanding and / or Grinding
 - a.) Permanent structures or temporary protective measures such as drop cloths and shrouding shall be secured around the activity to capture airborne particles. A suitable ground cover (i.e., tarp, rubber mat) must be placed under activity area in order to collect any debris.
 - b.) If sanding is performed using a “dustless” vacuum sanding system, sanding is not subject to the enclosure requirements **unless** weather events render the vacuum ineffective. Any debris must be collected.
 - Tributyl Tin (TBT)
 1. Antifouling paint containing TBT shall be removed only in protected areas.
 2. Old anti-fouling coatings suspected to contain TBT are not to be burnt off.
 - Painting
 1. All paint mixing, solvent transfer, and equipment clean up operations must be contained, and shall not enter floor or storm drains or the environment. Painting of bottoms, including “touch-up”, must be performed in an area where drips are controlled, prevented from spreading and will have no exposure to storm water.
 2. Sprayed paint shall only be performed in an enclosed building or spray booth. A spray booth is a permanent shed or temporary enclosure that is erected around the boat during the activity and has a solid floor (i.e., tarp, concrete, etc).
 3. Spills must be cleaned immediately with absorbent material, paper and/or rags.
 4. Paint brushes, rollers, used paint and other equipment must be disposed of in accordance with ‘Waste disposal’ section below, as applicable. Any cleaning of used brushes or rollers shall not discharge to surface waters.
 - Waste disposal
Any solid waste generated from boat maintenance activities, including but not limited to batteries, paints and oils, shall be collected for disposal at an appropriate facility, in accordance with RCRA, MDE's Land Management Administration's regulations or any local environmental ordinances and/or waste disposal authorities. Containment of any solid waste shall be adequate to prevent any potential discharge from entering adjacent surface waters.
 - Oil transfer
Any co-mingling of wash or stormwater with petroleum products is considered an industrial process wastewater and is subject to effluent conditions identified in PART III and is subject to effluent limits.
 - Sacrificial Anodes and Mechanical Repair
All anodes shall be properly disposed or recycled. All metal (i.e., running gear, mechanical parts, anodes, etc.) removed while vessel is in water shall be taken ashore.
 - xiii.) Material Handling Areas.** The plan must describe measures that prevent or minimize contamination of stormwater runoff from material handling areas (i.e., fueling, paint and solvent mixing, etc.).
 - xiv.) Engine Maintenance and Repair Areas.** Ensure there is no contamination of precipitation or surface runoff from all areas used for engine maintenance and repair. Drain all parts of fluid prior to proper disposal. Dispose filters in accordance with local requirements. Consider the following (or their equivalents): performing all maintenance activities indoors, maintaining an organized inventory of materials used in the shop, prohibiting the practice of hosing down the shop floor, using dry cleanup methods, and treating and/or recycling storm water runoff collected from the maintenance area. If a vessel is moved prior to pumping out the bilge, absorbent pads shall be used to prevent the accidental discharge of oils to water of the State.
 - xv.) Drydock Activities.** Routinely maintain and clean the drydock to minimize pollutants in storm water runoff. Address the cleaning of accessible areas of the drydock prior to flooding, and final cleanup following removal of the vessel and raising the dock. Include procedures for cleaning up oil, grease, and fuel spills occurring on the drydock. Consider the following (or their equivalents): sweeping rather than hosing off debris and spent blasting material from accessible areas of the drydock prior to flooding and making absorbent materials and oil containment booms readily available to clean up or contain any spills.
-

xvi.) Marine Railway. All solids and debris must be removed prior to being submerged as to prevent materials from being washed into waters.

2. Water Quality-Based Effluent Limitations

a) *Water Quality Standards*

Your discharge must be controlled as necessary to meet applicable water quality standards. The Department expects that compliance with the other conditions in this permit will control discharges as necessary to meet applicable water quality standards. There shall be no discharge that causes visible oil sheen, and no discharge of floating solids or persistent foam in other than trace amounts. Persistent foam is foam that does not dissipate within one half-hour of point of discharge. If at any time you become aware, or the Department determines, that your discharge causes or contributes to an exceedance of applicable water quality standards, then you must (1) take corrective action, (2) document the corrective actions, and (3) report the corrective actions to the Department's Water Management Administration Compliance Program as required by Part IV. Additionally, if information in your NOI or required reports or if information from other sources indicates that your discharge is not controlled as necessary to meet applicable water quality standards, the Department may impose additional water quality-based limitations on a site-specific basis or require you to obtain coverage under an individual permit.

b) *Discharges to Water Quality Impaired Waters*

If you discharge to an impaired water, the Department will inform you if any additional monitoring, limits or controls are necessary for your discharge to be consistent with the assumptions of any available wasteload allocation in an EPA Approved TMDL, or if coverage under an individual permit is necessary in accordance with Part I.G.

c) *Tier 2 Antidegradation Requirements for New or Increased Dischargers*

If you are a new discharger or are required to notify the Department of a modified discharge (Part II.F.1), and you discharge directly to waters designated by the State as Tier 2 for antidegradation purposes under 40 CFR 131.12(a), the Department may notify you that additional analyses, control measures, or other permit conditions are necessary to comply with the applicable antidegradation requirements, or notify you that an individual permit application is necessary in accordance with Part I.G.

d) *Criteria Selection*

Any additional numerical water quality based limits for any specific discharger under Part III.B.2 of the permit shall be based solely on Maryland's Numeric Water Criteria for Designated Uses in COMAR 26.08.02.03-3 and Maryland's Criteria for Toxic Substances in Surface Waters in COMAR 26.08.02.03-2, applied at end of pipe, or the applicable wasteload allocation in a final approved TMDL. For any additional control requested by the Department you must include a plan to implement BMPs to address the pollutant of concern in your SWPPP.

C. Stormwater Pollution Prevention Plan (SWPPP) Requirements

The SWPPP is intended to document the selection, design, and installation of control measures. The SWPPP does not contain effluent limitations; the limitations are contained in Part III.1 and Part III.2 of the Permit.

Your SWPPP must contain all of the following elements, as described below. You must also meet all of this section's additional SWPPP requirements.

1. Stormwater Pollution Prevention Team

You must identify the staff members (by name or title) that comprise the facility's stormwater pollution prevention team as well as their individual responsibilities. Your stormwater pollution prevention team is responsible for assisting the facility manager in developing and revising the facility's SWPPP as well as maintaining control measures and taking corrective actions where required. Each member of the stormwater pollution prevention team must have ready access to either an electronic or paper copy of applicable portions of this permit and your SWPPP.

2. Site Description

Your SWPPP must include the following:

- a. *Activities at the Facility.* Provide a description of the nature of the industrial activities at your facility.
- b. *General location map.* Provide a general location map (e.g., U.S. Geological Survey (USGS) quadrangle map) with enough detail to identify the location of your facility. Ideally this map will extend one-quarter of a mile beyond the property boundaries of the facility and identify any water body where discharge is conveyed. At least one public roadway must be identified on the map.
- c. *Site map.* Provide a map showing:
 - i.) the size of the property in acres;
 - ii.) the location and extent of significant structures and impervious surfaces
 - iii.) directions of stormwater flow (use arrows);
 - iv.) locations of all existing structural control measures or BMPs;
 - v.) locations of all receiving waters in the immediate vicinity of your facility, indicating if any of the waters are impaired and, if so, whether the waters have TMDLs established for them;
 - vi.) locations of all stormwater conveyances including ditches, pipes, and swales;
 - vii.) locations of potential pollutant sources identified under Part III.C.3;
 - viii.) locations where significant spills or leaks identified under Part IV.B.3 have occurred;
 - ix.) locations of all stormwater monitoring points;
 - x.) locations of stormwater inlets and outfalls, with a unique identification code for each outfall (e.g., Outfall No. 1, No. 2, etc), indicating if you are treating one or more outfalls as substantially identical, and an approximate outline of the areas draining to each outfall;
 - xi.) municipal separate storm sewer systems, where your stormwater discharges to them;
 - xii.) locations and descriptions of all non-stormwater discharges identified under Part I.C;
 - xiii.) locations of the following activities where such activities are exposed to precipitation:
 - fueling stations;
 - boat and equipment maintenance and/or cleaning areas;
 - loading/unloading areas;
 - locations used for the treatment, storage, or disposal of wastes;
 - liquid storage tanks;
 - processing and storage areas;
 - immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility;
 - transfer areas for substances in bulk;
 - machinery; and
 - manufacturing buildings; and
 - xiv.) locations and sources of run-on to your site from adjacent property that contains significant quantities of pollutants.

3. Summary of Potential Pollutant Sources

You must document areas at your facility where industrial materials or activities are exposed to stormwater and from which allowable non-stormwater discharges are released. Industrial materials or activities include, but are not limited to: material handling equipment or activities; industrial machinery; raw materials; industrial production and processes; and intermediate products, by-products, final products, and waste products. Material handling activities include, but are not limited to: the storage, loading and unloading, transportation, disposal, or conveyance of any raw material, intermediate product, final product or waste product. For each area identified, the description must include:

- a. *Activities in the area.* A list of the industrial activities exposed to stormwater (e.g., material storage; equipment fueling, maintenance, and cleaning).
- b. *Pollutants.* A list of the pollutant(s) or pollutant constituents (e.g., crankcase oil, zinc, sulfuric acid, and cleaning solvents) associated with each identified activity. The pollutant list must include all significant materials that have been handled, treated, stored, or disposed, and that have been exposed to stormwater in the 3 years prior to the date you prepare or amend your SWPPP.
- c. *Spills and Leaks.* You must document where potential spills and leaks could occur that could contribute pollutants to stormwater discharges, and the corresponding outfall(s) that would be

affected by such spills and leaks. You must document all significant spills and leaks of oil or toxic or hazardous pollutants that actually occurred at exposed areas, or that drained to a stormwater conveyance, in the 3 years prior to the date you prepare or amend your SWPPP. The plan may refer to applicable portions of other existing plans, such as Spill Prevention, Control, and Countermeasure (SPCC) plans required under 40 CFR Part 112. Discharges of precipitation from containment areas containing used oil must also be in accordance with applicable sections of 40 CFR Part 112.

Note: Significant spills and leaks include, but are not limited to, releases of oil or hazardous substances in excess of quantities that are reportable under CWA Section 311 (see 40 CFR 110.6 and 40 CFR 117.21) or Section 102 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 USC §9602. This permit does not relieve you of the reporting requirements of 40 CFR 110, 40 CFR 117, and 40 CFR 302 relating to spills or other releases of oils or hazardous substances.

- d. *Non-Stormwater Discharges.* You must document that you have evaluated for the presence of non-stormwater discharges and that all unauthorized discharges have been eliminated. Documentation of your evaluation must include:
 - i.) The date of any evaluation;
 - ii.) A description of the evaluation criteria used;
 - iii.) A list of the outfalls or onsite drainage points that were directly observed during the evaluation;
 - iv.) The different types of non-stormwater discharge(s) and source locations; and
 - v.) The action(s) taken, such as a list of control measures used to eliminate unauthorized discharge(s), if any were identified. For example, a floor drain was sealed, a sink drain was re-routed to sanitary, wash water is collected and hauled away, or an NPDES permit application was submitted for an unauthorized cooling water discharge.
- e. *Salt Storage.* You must document the location of any storage piles containing salt used for deicing or other commercial or industrial purposes.
- f. *Monitoring History.* You must summarize what you have observed as potential problems from stormwater or process water during the previous permit term.

4. Description of Control Measures

You must document the location and type of control measures you have installed and implemented at your site to achieve the non-numeric effluent limits in Part III.B.1.b and, where applicable, and the water quality-based effluent limits in Part III.B.2, and describe how you are addressing the control measure selection and design considerations. This documentation must describe how the control measures at your site address both the pollutant sources identified in Part III.C.3 and any stormwater run-on that commingles with any discharges covered under this permit.

5. Schedules and Procedures

- a. Pertaining to Control Measures Used to Comply with the Effluent Limits in Part III.B. The following must be documented in your SWPPP:
 - i.) *Good Housekeeping (See Part III.B.1.b.ii)* – A schedule for regular pickup and disposal of waste materials, along with routine inspections for leaks and conditions of drums, tanks and containers;
 - ii.) *Maintenance (See Part III.B.1.b.iii)* – Preventative maintenance procedures, including regular inspections, testing, maintenance, and repair of all industrial equipment and systems, and control measures, to avoid situations that may result in leaks, spills, and other releases, and any back-up practices in place should a runoff event occur while a control measure is off-line;
 - iii.) *Spill Prevention and Response Procedures (See Part III.B.1.b.iv)* – Procedures for preventing and responding to spills and leaks. You may reference the existence of other plans for Spill Prevention Control and Countermeasure (SPCC) developed for the facility under Section 311 of the CWA or BMP programs otherwise required by a NPDES permit for the facility, provided that you keep a copy of that other plan onsite and make it available for review consistent with Part III.C.8; and
 - iv.) *Employee Training (See Part III.B.1.b.viii)* – The SWPPP must identify how often training will

take place. All training must be held at least once per calendar year (or more often if employee turnover is high).

b. *Pertaining to Inspection and Monitoring*

- i.)** You must document in your SWPPP your procedures for performing, as appropriate, the three types of inspections specified by this permit, including:
 - Routine facility inspections (see Part V.A.1);
 - Quarterly visual assessment of stormwater discharges (see Part V.A.3); and
 - Comprehensive site inspections (see Part V.A.2).
- ii.)** For each type of inspection performed, your SWPPP must identify:
 - Person(s) or positions of person(s) responsible for inspection; and
 - Specific items to be covered by the inspection, including schedules for specific outfalls.
- iii.)** You must document the following in your SWPPP if you plan to use the substantially identical outfall exception for your quarterly visual assessment requirements in Part V.A.3.
 - Location of each of the substantially identical outfalls;
 - Description of the general industrial activities conducted in the drainage area of each outfall;
 - Description of the control measures implemented in the drainage area of each outfall;
 - Description of the exposed materials located in the drainage area of each outfall that are likely to be significant contributors of pollutants to stormwater discharges;
 - Why the outfalls are expected to discharge substantially identical effluents.
- iv.)** If you are invoking the exception for inactive and unstaffed sites relating to routine facility inspections and quarterly visual assessments, you must include in your SWPPP the information to support this claim as required by Parts V.A.4.

6. Signature Requirements

You must sign and date your SWPPP in accordance with Part II.C, including the date of signature.

7. Required SWPPP Modification

You must modify your SWPPP whenever necessary to address any of the triggering conditions for corrective action in Part IV and to ensure that they do not reoccur, or to reflect changes implemented when a review following the triggering conditions in Part IV.B indicates that changes to your control measures are necessary to meet the effluent limits in this permit. Changes to your SWPPP document must be made in accordance with the corrective action deadlines in Parts IV.C and IV.D, and must be signed and dated in accordance with Part II.C.

8. Documentation Requirements

You must retain a copy of the current SWPPP required by this permit at your facility, and it must be immediately available to the Department. The Department encourages you to post your SWPPP online and provide the website address on your NOI. You are required to keep the following inspection, monitoring, and certification records with your SWPPP that together keep your records complete and up-to-date, and demonstrate your full compliance with the conditions of this permit:

- a.** A copy of the NOI submitted to the Department along with any correspondence exchanged between you and the Department specific to coverage under this permit;
- b.** A copy of this permit (an electronic copy easily available to SWPPP personnel is also acceptable);
- c.** A copy of the relevant portion of any other facility document referred to in your SWPPP, such as a Spill Prevention, Control and Countermeasure (SPCC) Plan;
- d.** Descriptions and dates of any incidences of significant spills, leaks, or other releases that resulted in discharges of pollutants to waters of the U.S., through stormwater or otherwise; the circumstances leading to the release and actions taken in response to the release; and measures taken to prevent the recurrence of such releases (see Part III.B.1.b.iv);
- e.** Records of employee training, including date training received (see Part III.B.1.b.viii);
- f.** Documentation of maintenance and repairs of control measures, including the date(s) of regular maintenance, date(s) of discovery of areas in need of repair/replacement, and for repairs, date(s)

that the control measure(s) returned to full function, and the justification for any extended maintenance/repair schedules (see Part III.B.1.b.iii);

- g. All inspection reports, including the Routine Facility Inspection documentation (see Part V.A.1), the Quarterly Visual Monitoring Form in Appendix B, and the Comprehensive Site Inspection reports (see Part V.A.2);
- h. Description of any deviations from the schedule for visual assessments and/or monitoring, and the reason for the deviations (e.g., adverse weather or it was impracticable to collect samples within the first 30 minutes of a measurable storm event) (see Parts V.C.5);
- i. Description of any corrective action taken at your site, including triggering event and dates when problems were discovered and modifications occurred;
- j. Documentation to support any determination that pollutants of concern are not expected to be present above natural background levels if you discharge directly to impaired waters, and that such pollutants were not detected in your discharge or were solely attributable to natural background sources.

If during the term of this permit, your site becomes inactive, you must contact the Department immediately and provide, in writing, the date of inactivity, the facility contact phone number and the location of the SWPPP and additional documentation. These must be made available during normal working hours. Note inactivity does not refer to seasonal closures.

9. Facilities Subject to SARA Title III, Section 313 Requirements

If you are subject to SARA Title III, [Section 313](#) (42 U.S.C. 11023) reporting requirements, in your SWPPP you must, in addition to the requirements of this Part, provide additional narrative on the preventive measures used to eliminate the exposure of these chemicals to stormwater run-on or run-off. To identify if your facility is subject to this requirement, visit the Maryland Department of the Environment's [Community Right-to-Know website](http://www.mde.state.md.us) (<http://www.mde.state.md.us>). A list of the Section 313 chemicals can be found at the [EPA's LIST OF LISTS Consolidated List of Chemicals Subject to the Emergency Planning and Community Right-To-Know Act \(EPCRA\) and Section 112\(r\) of the Clean Air Act](#) (<http://www.epa.gov>). Additionally, SARA Title III, Section 313 water priority chemicals are often identified on Safety Data Sheets (SDSs).

D. Responsibility of Permittee with Regards to Facility Users

1. It is your responsibility to ensure all employees, and any user of the permitted facility (e.g., contractors, employees, slip owner/renters, day users, etc), have knowledge of the permit prohibitions and other relevant requirements of this permit. This shall be accomplished by:
 - a. Posting in a conspicuous location signage identifying prohibited discharges, the Department's Emergency Pollution Hotline (1-866-633-4686 (866-MDE GO TO), and location of the three (3) nearest sanitary pump-out stations or contractors providing pump-out services (appropriate language for these signs can be found at the Department's website);
 - b. Providing educational materials; and/or,
 - c. Including conditions within contracts for slip renters, contractors, etc.
 2. If a user's activity results in a violation of the terms of the permit and the permittee has performed its obligations with regard to the conditions in Part D.1. above, then the Department may directly address the violation with the responsible user.
 3. Nothing in this permit authorizes illicit discharges by facility users. The vessels and their discharges are regulated by federal Clean Water Act and enforced by the U.S. Coast Guard. For additional information or to report water pollution or other issues, please call United States Coast Guard – Baltimore Sector at 410-676-2530.
-

PART IV. CORRECTIVE ACTIONS

A. Conditions Requiring Review and Revision to Eliminate Problems

If any of the following conditions occur, you must review and revise the selection, design, installation, and implementation of your control measures to ensure that the condition is eliminated and will not be repeated in the future:

1. An unauthorized release or discharge (e.g., spill, leak, or discharge of non-stormwater not authorized by this or another NPDES permit) occurs at your facility;
2. A discharge violates a numeric effluent limit;
3. You become aware, or the Department determines, that your control measures are not stringent enough for the discharge to meet applicable water quality standards;
4. An inspection or evaluation of your facility by a Department official, determines that modifications to the control measures are necessary to meet the non-numeric effluent limits in this permit; or
5. You find in your routine facility inspection (Part V.A.1), quarterly visual assessment (Part V.A.3), or comprehensive site inspection (Part V.A.2) that your control measures are not being properly operated and maintained.

B. Conditions Requiring Review to Determine if Modifications Are Necessary

If construction or a change in design, operation, or maintenance at your facility significantly changes the nature of pollutants discharged in stormwater from your facility or significantly increases the quantity of pollutants discharged, you must review the selection, design, installation, and implementation of your control measures to determine if modifications are necessary to meet the effluent limits in Part III.

C. Corrective Action Deadlines

You must document your discovery of any of the conditions listed in Parts IV.A and IV.B within 24 hours of making such discovery, and in cases of a numeric limit violation, notify the Department as specified in Part IV.D. Subsequently, within 14 days of such discovery, you must document any corrective action(s) to be taken to eliminate or further investigate the deficiency, or if no corrective action is needed, the basis for that determination. Specific documentation required within 24 hours and 14 days is detailed in part IV.D. If you determine that changes are necessary following your review, any modifications to your control measures must be made before the next storm event if possible, or as soon as practicable following that storm event. In the event that a deficiency cannot be addressed fully within 30 days, you must call the Department's Compliance Program (Part II.E.3) and make the Department aware of the situation. These time intervals are not grace periods, but are schedules considered reasonable for documenting your findings and for making repairs and improvements. They are included in this permit to ensure that the conditions prompting the need for these repairs and improvements are not allowed to persist indefinitely.

D. Corrective Action Report

1. Within 24 hours of discovery of any condition listed in parts IV.A and IV.B, you must document the following information:
 - a. identification of the condition triggering the need for corrective action review;
 - b. description of the problem identified; and
 - c. date the problem was identified.
 2. In cases where this condition is a failure to comply with any of the numeric effluent limitations in this permit, you must call the Department's Compliance Program (Part II.E.3) within 24 hours and within 5 days by logging the results into NetDMR (Part V.B.3). You must provide the following information with those results as an attachment:
 - a. a description of the noncompliant discharge, including its impact on the receiving water;
 - b. the cause of the noncompliance;
 - c. the anticipated time the cause of the noncompliance is expected to continue, or, if the condition has been corrected, the duration of the period of the noncompliance;
 - d. steps taken by the permittee to eliminate the noncompliant discharge;
 - e. steps planned or implemented by the permittee to prevent the recurrence of the non-compliance;
-

- f. a description of the permittee's accelerated or additional monitoring to determine the nature and impact of the noncompliant discharge.
- 3. Within 14 days of discovery of any condition listed in parts IV.A and IV.B, above, you must document the following information:
 - a. summary of corrective action taken or to be taken (or, for triggering events identified in Part IV.B where you determine that corrective action is not necessary, the basis for this determination);
 - b. notice of whether SWPPP modifications are required as a result of this discovery or corrective action;
 - c. date corrective action initiated; and
 - d. date corrective action completed or expected to be completed.
- 4. You must include this documentation with the annual report required in Part V.A.2.b.

E. Effect of Corrective Action

If the event triggering the review is a permit violation (e.g., non-compliance with an effluent limit), correcting it does not remove the original violation. The Department may consider the appropriateness and promptness of corrective action in determining enforcement responses to permit violation(s). Additionally, failing to take corrective action in accordance with this section is an additional permit violation.

F. Substantially Identical Outfalls

If the event triggering corrective action is linked to an outfall that represents other substantially identical outfalls, your review must assess the need for corrective action for each outfall represented by the outfall that triggered the review. Any necessary changes to control measures that affect these other outfalls must also be made before the next storm event if possible, or as soon as practicable following that storm event.

PART V. INSPECTIONS, MONITORING AND REPORTING

A. Site Inspections and Evaluations

You must conduct the following inspections or evaluations at your facility in accordance with the monitoring procedures outlined in Part V.C. You must keep a copy of the documentation from all inspections and evaluations with your SWPPP per Part III.C.8.g.

1. Routine Facility Inspection

At least quarterly, you must conduct a site assessment that will review the effectiveness of the SWPPP. At least once each calendar year, the routine facility inspection must be conducted during a period when a stormwater discharge is happening. The facility inspections must be documented with a checklist or other summary signed in accordance with Part II.C.2 of this permit, by qualified personnel, with at least one member of your stormwater pollution prevention team participating. The checklist must include a certification that the site is in compliance with the SWPPP and this permit, or a record of the deficiencies and necessary follow up actions. Refer to Part IV.C Corrective Action Deadlines and Part IV.D. Corrective Action Report for appropriate time frames.

2. Comprehensive Site Compliance Evaluation

You must conduct comprehensive site compliance evaluations once a year. The evaluations must be performed by qualified personnel who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility and who can evaluate the effectiveness of all existing BMPs. The personnel conducting the evaluations may be either facility employees (such as pollution prevention team members) or contractors you hire. If a scheduled compliance evaluation overlaps with a routine facility inspection, the annual compliance evaluation may be used as one of the four routine facility inspections.

- a. Evaluations must include all areas where industrial materials or activities are exposed to stormwater, at a minimum:
 - i.) industrial materials, residue, or trash that may have or could come into contact with

- stormwater;
 - ii.)* leaks or spills from industrial equipment, drums, barrels, tanks, or other containers that have occurred within the past three years;
 - iii.)* offsite tracking of industrial or waste materials or sediment where vehicles enter or exit the site;
 - iv.)* tracking or blowing of raw, final, or waste materials from areas of no exposure to exposed areas;
 - v.)* evidence of, or the potential for, pollutants entering the drainage system;
 - vi.)* evidence of pollutants discharging to surface waters at all facility outfalls;
 - vii.)* the condition of and around any outfall, including flow dissipation measures to prevent scouring;
 - viii.)* training performed, inspections completed, maintenance performed, quarterly visual examinations, and effective operation of BMPs; and
 - ix.)* visual and analytical monitoring results from the past year.
- b. A report must be written summarizing the scope of the evaluation, name(s) of personnel performing the evaluation, the date of the evaluation, and all observations relating to the implementation of the SWPPP. Based on the results of the evaluation, the SWPPP must be modified as necessary. Refer to Part IV.C Corrective Action Deadlines and Part IV.D. Corrective Action Report for appropriate time frames.

3. Quarterly Visual Inspections

You are required to begin visual inspections in the first full quarter after you have been notified that you are covered by this permit. For example, if you obtain permit coverage in June, then your first monitoring quarter is July 1 - September 30 of that year. Once each quarter, you must collect a stormwater sample from each outfall (except in adverse weather conditions, substantially identical outfalls, or inactive and unstaffed sites as noted below) and assess the sample visually. Samples may be taken during any precipitation event (except as noted in Areas Subject to Snow below) where there is a measurable discharge and must be sampled within the first 30 minutes of the storm event. In the case of snowmelt, samples must be taken during a period with a measurable discharge from your site. These samples are not required to be collected consistent with 40 CFR 136 procedures but should be collected in such a manner that the samples are representative of the stormwater discharge.

- a. The Quarterly Visual Monitoring Form, found in Appendix B of this permit, must be completed for each sample.
- b. Adverse Weather Conditions are those that are dangerous or create inaccessibility for personnel, such as local flooding, high winds, or electrical storms, or situations that otherwise make sampling impractical, such as drought or extended frozen conditions. When adverse weather conditions prevent the collection of samples during the quarter, a substitute sample must be taken during the next qualifying storm event. Documentation of the rationale for no visual assessment for the quarter must be included in SWPPP records.
- c. *Areas Subject to Snow:* In areas subject to snow, at least one quarterly visual assessment must capture snowmelt discharge (if applicable). The assessment should identify the date when the sample was taken.
- d. *Substantially identical outfalls:* If your facility has two or more outfalls that you believe discharge substantially identical effluents, as documented in Part III.C.5.b, you may conduct quarterly visual assessments of the discharge at just one of the outfalls and report that the results also apply to the substantially identical outfall(s) provided that you perform visual assessments on a rotating basis of each substantially identical outfall throughout the period of your coverage under this permit. If stormwater contamination is identified through visual assessment performed at a substantially identical outfall, you must assess and modify your control measures as appropriate for each outfall represented by the monitored outfall.

4. Inactive and Unstaffed Sites Exceptions to Routine Facility Inspections

The requirement to conduct routine facility inspections and visual monitoring on a quarterly basis does not apply at a facility that is inactive and unstaffed, as long as there are no industrial materials or

activities exposed to stormwater. Such a facility is only required to conduct an annual comprehensive site inspection in accordance with the requirements of Part V.A.2. To invoke this exception, you must maintain a statement in your SWPPP pursuant to Part III.C.5.b.iv indicating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to precipitation, in accordance with the substantive requirements in 40 CFR 122.26(g)(4)(iii). The statement must be signed and certified in accordance with Part II.C. If circumstances change and industrial materials or activities become exposed to stormwater or your facility becomes active and/or staffed, this exception no longer applies and you must immediately resume quarterly facility inspections. If you are not qualified for this exception at the time you are authorized under this permit, but during the permit term you become qualified because your facility is inactive and unstaffed, and there are no industrial materials or activities that are exposed to stormwater, then you must include the same signed and certified statement as above and retain it with your records pursuant to Part III.C.5.b.iv.

B. Required Numeric Monitoring

This permit specifies various numeric criteria for your operations. The numeric limits are for boat bottom washwater and bilge water. Exceedance of these numeric limits is a permit violation. Samples and measurements taken for the purpose of monitoring must be representative of the volume and nature of the monitored activity.

1. Applicability of Monitoring

You must monitor for any numeric parameters specified in the permit. Samples must be analyzed consistent with 40 CFR Part 136 analytical methods and using test procedures with quantitative limits at or below concentrations specified for all monitored parameters for which you are required to sample.

2. Monitoring Schedule

Your monitoring will start the first full quarter (found in Part V.C.7) that occurs three (3) months after registering under this permit. For example, if you obtain permit coverage in June, three months later is September, then your monitoring starts on October 1.

3. Submitting Discharge Monitoring Reports (DMRs)

You must summarize and submit monitoring information electronically using NetDMR once you are granted access to this tool, unless you demonstrate a reasonable basis that precludes the use of NetDMR. Specific requirements regarding submittal of data and reports in hard copy form and for submittal using NetDMR are described below:

- a. NetDMR is a U.S. EPA tool allowing regulated Clean Water Act permittees to submit monitoring reports electronically via a secure Internet application. You must apply for access to NetDMR at www.epa.gov/netdmr and register for a NetDMR Webinar. Before you can submit official DMRs using NetDMR you must attend a training Webinar and successfully set-up and submit test monitoring results electronically. You must complete all requirements to gain access to NetDMR within one (1) month of authorization under this permit.
- b. The permittee may be eligible for a temporary waiver by MDE from NPDES electronic reporting requirements if the permittee has no current internet access and is physically located in a geographic area (i.e., zip code) that is identified as under-served for broadband internet access in the most recent National Broadband Map from the Federal Communications Commission (FCC); or if the permittee can demonstrate that such electronic reporting of the monitoring data and reports would pose an unreasonable burden or expense to the NPDES-permitted facility. Waiver requests must be submitted in writing to the Department for written approval at least 120 days prior to the date the permittee would be required under this permit to begin using NetDMR. This demonstration shall be valid for one (1) year from the date of the Department approval and shall thereupon expire. At such time, DMRs and reports shall be submitted electronically to the Department unless the permittee submits a renewed waiver request and such request is approved by the Department. The application form for a waiver from electronic reporting

requirements can be found at <http://bit.ly/NetDMR-Waiver>. All subsequent hardcopy DMRs shall be sent to the following address:

Attention: DMRs
Maryland Department of the Environment
WMA – Compliance Program
1800 Washington Blvd., Suite 425
Baltimore, MD 21230-1708

- c. If you are required to perform numeric discharge monitoring for specific pollutants you must report the data at least quarterly, no later than 28 days following the Monitoring Period (Part V.C.7), and according to the other Monitoring Procedures (Part V.C).

4. Substantially Identical Outfalls

The substantially identical outfall monitoring provisions are not available for numeric effluent limits monitoring.

5. Flow Monitoring

Reporting of measured flow may be required for your facility (not applicable to stormwater discharges). In lieu of providing measured flow, the permittee may estimate flows and submit the following information with the NOI, and with the discharge monitoring report in the first quarter of each calendar year:

- a. A description of the methodology used to estimate flow at each outfall where flow measurement equipment is not present.
- b. Documentation appropriate to the methodology utilized which provides information necessary to support the validity of the reported flow estimate. If actual measurements or observations are made, a description of typical sampling times, location, and persons performing the measurements/ observation should also be provided.
- c. A description of the factors (e.g. batch discharges, intermittent operation, etc) which cause flow at the outfall to fluctuate significantly from the estimate provided.

C. Monitoring Procedures

You must collect and analyze discharges associated with process water monitoring and document monitoring activities for the monitoring consistently with the procedures described in this section.

1. Monitored Outfalls

You must conduct monitoring as required by this permit at each outfall authorized by this permit. As required in Part III.C.2, your SWPPP must identify each outfall authorized by this permit and describe the rationale for any substantially identical outfall determinations.

2. Commingled Discharges

If discharges authorized by this permit commingle with discharges not authorized under this permit, any required sampling of the authorized discharges must be performed at a point before they mix with other waste streams, to the extent practicable. The following are some examples of mixed water source situations that should not be sampled.

- a. A common ditch that carries stormwater from properties upstream. In this case, the stormwater from the permitted facility is mixed with other water. You should find a location or locations where your facility's stormwater alone can be sampled.
- b. A partially submerged storm sewer pipe where it discharges into the receiving water body. In this case, this final discharge point should not be used as a sampling point because the stormwater flow is mixed with the receiving water.
- c. A manhole that carries stormwater not only from the permitted facility but from other stormwater

sources as well. If taking a grab sample from a manhole, you should make sure that the flow in that pipe is entirely from your facility.

3. Measurable Storm Events

All required stormwater related monitoring must be performed on a storm event that results in an actual discharge from your site ("measurable storm event") that follows the preceding measurable storm event by at least 72 hours (3 days). The 72-hour (3-day) storm interval does not apply if you are able to document that less than a 72-hour (3-day) interval is representative for local storm events during the sampling period. In the case of snowmelt, the monitoring must be performed at a time when a measurable discharge occurs at your site.

For each monitoring event, except snowmelt monitoring, you must identify the date and duration (in hours) of the rainfall event, rainfall total (in inches) for that rainfall event, and time (in days) since the previous measurable storm event. For snowmelt monitoring, you must identify the date of the sampling event.

4. Sample Type

Grab samples for process water or washwater are taken at your selected outfall during a time of discharge. For stormwater related samples, you must take a minimum of one grab sample from a discharge resulting from a measurable storm event as described above. Samples must be collected within the first 30 minutes of a measurable storm event. However, the Department does not advocate impractical or potentially unsafe sampling methods during periods of adverse weather conditions. Therefore, if it is not possible to collect the sample within the first 30 minutes of a measurable storm event, the sample must be collected as soon as practicable after the first 30 minutes and documentation must be kept with the SWPPP explaining why it was not possible to take samples within the first 30 minutes. In the case of snowmelt, samples must be taken during a period with a measurable discharge.

5. Adverse Weather Conditions

When adverse weather conditions, as described in Part V.A.3.b, prevent the collection of samples according to the relevant monitoring schedule, you must take a substitute sample during the next qualifying storm event. You must keep a record with your SWPPP of any failure to monitor as specified, indicating the basis for not sampling during the usual reporting period.

6. Representative Sampling

You must take all required samples and measurements at times to be representative of the quantity and quality of the discharges during the specified monitoring periods. At a minimum, samples must be taken once every quarter unless otherwise specified.

The sampling and analytical methods used must conform to procedures for the analysis of pollutants as identified in 40 CFR 136 - "Guidelines Establishing Test Procedures for the Analysis of Pollutants" except for visual monitoring which is not subject to 40 CFR 136, or unless otherwise specified.

7. Monitoring Periods

- a. Visual (Part V.A.3) monitoring is required on a quarterly basis, and bilge water and washwater monitoring occurs either monthly or quarterly. Quarterly monitoring for stormwater follows these 3-month intervals:
 - i.) January 1 – March 31;
 - ii.) April 1 – June 30;
 - iii.) July 1 – September 30; and
 - iv.) October 1 – December 31.
 - b. *Sampling Frequency For Bottom Wash Water:* Metals shall be sampled twice during the main washing season (September - December). Suspended solids and oil & grease shall be sampled
-

twice during the main washing season and twice during the spring/summer season for a total of four times a year. Flow shall be estimated and recorded on a monthly basis.

- c. *Sampling Frequency For Bilge Water:* Bilge shall be sampled once a month. Flow shall be estimated and recorded on monthly basis.

8. Data Recording Requirements

If you are required to perform monitoring, you must record the following information for each sample:

- a. the exact place, date, and time of sampling or measurement;
- b. the person who performed the sampling or measurement;
- c. the dates and times the analyses were performed;
- d. the person(s) who performed the analyses;
- e. the analytical techniques or methods used; and
- f. the results of all required analyses.

D. Records Retention

You must retain all records and information resulting from the monitoring activities required by this permit, including all records of analyses performed, calibration and maintenance of instrumentation, and original recordings from continuous monitoring instrumentation, for a minimum of five (5) years. This period shall be extended automatically during the course of litigation, or when requested by the Department.

PART VI. STANDARD PERMIT CONDITIONS

A. Facility Operation and Maintenance

You must, at all times, properly operate and maintain all facilities and systems of treatment and control which are installed or used to achieve compliance with the conditions of the permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or a similar system that you have installed only when the operation is necessary to achieve compliance with the conditions of the permit.

B. Submitting Additional or Corrected Information

When you become aware that you failed to submit any relevant facts or submitted incorrect information in the NOI or in any other report to the Department, you must submit the facts or information to the Department within 30 days.

C. Removed Substances

Wastes such as solids, sludges, or other pollutants removed from or resulting from treatment or control of wastewaters or facility operations, must be disposed of in a manner to prevent any wastes or runoff from wastes from contacting waters of the State.

D. Right of Entry

You must permit the Secretary of the Department, the Regional Administrator for the EPA, or their authorized representatives, upon the presentation of credentials, to:

1. enter upon your premises where a discharges' source is located or where any records are required to be kept under the terms and conditions of this permit;
 2. access and copy, at reasonable times, any records required to be kept under the terms and conditions of this permit;
 3. inspect, at reasonable times, any monitoring equipment or monitoring method required in this permit;
 4. inspect, at reasonable times, any collection, treatment, pollution management, or discharge facilities required under this permit;
 5. sample, at reasonable times, any discharge of pollutants; and
 6. take photographs (which may require direction for reasons of national security).
-

E. Availability of Reports

Except for data determined to be confidential under the Maryland Public Information Act and/or Section 308 of the Clean Water Act, 33 U.S.C. § 1318, all submitted data must be available for public inspection at the offices of the Department and the Regional Administrator of the Environmental Protection Agency.

F. Permit Modification

The Department may revoke this permit or modify this permit to include different limitations and requirements, in accordance with the procedures contained in COMAR 26.08.04.10 and 40 C.F.R. §§ 122.62, 122.63, 122.64 and 124.5.

G. Total Maximum Daily Load (TMDL)

The permit may be reopened in accordance with Maryland's Administrative Procedures Act to incorporate future Total Maximum Daily Load requirements.

H. Toxic Pollutants

You must comply with effluent standards or prohibitions for toxic pollutants established under the Federal Clean Water Act, or under Section 9-314 and Sections 9-322 to 9-328 of the Environment Article, Annotated Code of Maryland. You must be in compliance within the time provided in the regulations that establish these standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

I. Oil and Hazardous Substances Prohibited

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve you from any responsibility, liability, or penalties to which the permittee may be subject under Section 311 of the Clean Water Act (33 U.S.C. § 1321), or under the Annotated Code of Maryland.

J. Civil and Criminal Liability

Nothing in this permit shall be construed to preclude the institution of any legal action nor relieve you from any civil or criminal responsibilities, liabilities, and/or penalties for noncompliance with Title 9 of the Environment Article, Annotated Code of Maryland or any federal, local or other state law or regulation.

K. Property Rights/Compliance with Other Requirements

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.

L. Severability

The provisions of this permit are severable. If any provisions of this permit must be held invalid for any reason, the remaining provisions must remain in full force and effect. If the application of any provision of this permit to any circumstances is held invalid, its application to other circumstances must not be affected.

M. Water Construction and Obstruction

This permit does not authorize you to construct or place physical structures, facilities, or debris or undertake related activities in any waters of the State.

N. Compliance with this General Permit and Water Pollution Abatement Statutes

You must comply at all times with the terms and conditions of this permit, the provisions of the Environment Article, Title 7, Subtitle 2 and Title 9, Subtitles 2 and 3 of the Annotated Code of Maryland, and the Clean Water Act, 33 U.S.C. § 1251 et seq. Any noncompliance with any of the requirements of this permit constitutes a violation of the Clean Water Act.

As detailed in Part IV (Corrective Actions) of this permit, failure to take any required corrective actions constitute an independent, additional violation of this permit and the Clean Water Act. As such, any actions and time periods specified for remedying noncompliance do not absolve parties of the initial underlying noncompliance. However, where corrective action is triggered by an event that does not itself constitute permit noncompliance, such as presence of color in a visual sample, there is no permit violation provided you take the required corrective action within the relevant deadlines established in Part IV.C.

O. Action on Violations

The issuance or reissuance of this permit does not constitute a decision by the State not to proceed in an administrative, civil, or criminal action for any violations of State law or regulations occurring before the issuance or re-issuance of this permit, nor a waiver of the State's right to do so.

P. Civil Penalties for Violations of Permit Conditions

In addition to civil penalties for violations of State water pollution control laws set forth in Section 9-342 of the Environment Article, Annotated Code of Maryland, the Clean Water Act provides that any person who violates Section 301, 302, 306, 307, 308, 318, or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act or in a permit issued under Section 404 of the Act, is subject to a civil penalty not to exceed \$37,500 per day for each violation. Statutory penalties of the CWA are subject to the Civil Monetary Penalty Inflation Adjustment Rule (40 CFR 19.4).

Q. Criminal Penalties for Violations of Permit Conditions

In addition to criminal penalties for violations of State water pollution control laws set forth in Section 9-343 of the Environment Article, Annotated Code of Maryland, the Clean Water Act provides that:

1. Any person who negligently violates Section 301, 302, 306, 307, 308, 318, or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, or in a permit issued under Section 404 of the Act, is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than one (1) year, or by both.
2. Any person who knowingly violates Section 301, 302, 306, 307, 308, 318, or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, or in a permit issued under Section 404 of the Act, is subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than three (3) years, or by both.
3. Any person who knowingly violates Section 301, 302, 306, 307, 308, 318, or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, or in a permit issued under Section 404 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, is subject to a fine of not more than \$250,000 or imprisonment of not more than fifteen (15) years, or both. A person that is a corporation, must, upon conviction, be subject to a penalty of not more than \$1,000,000.
4. Any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the Act or who knowingly falsifies, tampers with or renders inaccurate any monitoring device or method required to be maintained under the Act, is subject to a fine of not more than \$10,000 or by imprisonment for not more than two (2) years, or by both.

R. Duty to Provide Information

You must provide within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit to the Department. You must also provide copies of records required to be kept by this permit to the Department, upon request.

S. Reopener Clause for Permits

This permit must be modified, or alternatively, revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved under Sections 301, 304, and 307 of the Clean Water Act [33 USCS §§ 1311, 1314, 1317] if the effluent standard or limitation issued or approved:

1. contains different conditions or is otherwise more stringent than any effluent limitation in this permit; or
2. controls any pollutant not limited in this permit. This permit, as modified or reissued under this section, must also contain any other requirements of the Act then applicable.

T. Conditions Necessary for Demonstration of an Upset

An upset shall constitute an affirmative defense to an action brought for noncompliance with technology-based effluent limitations only if the permittee demonstrates, through properly signed, contemporaneous operating logs, or other relevant evidence, that:

- a. an upset occurred and that the permittee can identify the specific cause(s) of the upset;
- b. the permitted facility was at the time being operated in a prudent and workman-like manner and in compliance with proper operation and maintenance procedures;
- c. the permittee submitted a 24-hour notification of upset in accordance with the reporting requirements of General Condition II.B.2 above;
- d. the permittee submitted, within five (5) calendar days of becoming aware of the upset, documentation to support and justify the upset; and
- e. the permittee complied with any remedial measures required to minimize adverse impact.

U. Bypass

Any bypass of treatment facilities necessary to maintain compliance with the terms and conditions of this permit is prohibited unless:

- a. the bypass is unavoidable to prevent a loss of life, personal injury or substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources;
- b. there are no feasible alternatives;
- c. notification is received by the Department within 24 hours (if orally notified, then followed by a written submission within five calendar days of the permittee's becoming aware of the bypass). Where the need for a bypass is known (or should have been known) in advance, this notification shall be submitted to the Department for approval at least ten calendar days before the date of bypass or at the earliest possible date if the period of advance knowledge is less than ten calendar days; and
- d. the bypass is allowed under conditions determined by the Department to be necessary to minimize adverse effects.

V. Adverse Impact

The permittee shall take all reasonable steps to minimize or prevent any adverse impact to waters of the State or to human health resulting from noncompliance with any effluent limitations specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

PART VII. AUTHORITY TO ISSUE GENERAL NPDES PERMIT

On September 5, 1974, the Administrator of the EPA approved the proposal submitted by the State of Maryland for the operation of a permit program for discharges into navigable waters under Section §402 of the federal Clean Water Act, 33 U.S.C. §Section 1342.

On September 30, 1990, the Administrator of the EPA approved the proposal submitted by the State of Maryland for the operation of a general permit program.

Under the approvals described above, this general discharge permit is both a State of Maryland general discharge permit and an NPDES general discharge permit.

Lynn Buhl, Director
Water Management Administration